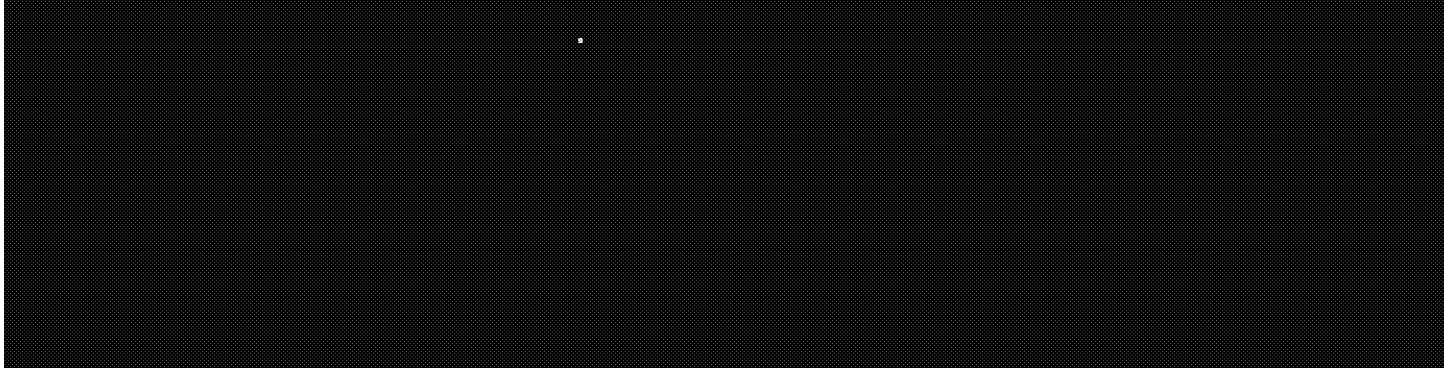


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Environment & Energy Report

Friday, August 6, 2021

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Reasoning Considered More Airtight Than in Past

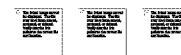
The Biden administration's environment moves top today's news, starting with legal experts and lawyers saying the administration's plans for tighter vehicle emission rules appear resistant to major litigation but not totally immune to lawsuits.

President Joe Biden unveiled a set of actions charting a course for greater electric vehicle sales and tighter tailpipe carbon standards from the Environmental Protection Agency and National Highway Traffic Safety Association. EPA's proposed rule suggests a jump in stringency for model year 2023 cars, and a more gradual escalation through 2026.

"If you have a conservative judge, industry attorneys who are talented enough, you can always find holes and poke holes, but this is going to be a solid sort of thing," Center for Progressive Reform policy analyst James Goodwin said.

Georgetown law professor said William Buzbee predicted “some contest about whether it’s impossible, too stringent, not stringent enough.” But he added, “That’s different than fundamental challenges to the government’s ability to act in a basic, certain area.”

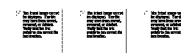
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SCOTUS Urged to Toss Climate Authority Petition

The Biden administration wants the U.S. Supreme Court to scrap petitions from Republican-led states and industry that seek review of the EPA’s authority to regulate greenhouse gases under the Clean Air Act. It’s too early to probe questions on the scope of the Environmental Protection Agency’s authority to regulate carbon for power plants under the Clean Air Act’s Section 7411(d), since the agency is actively working to establish new rules, according to a Justice Department brief.

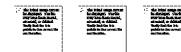
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Watchdog Unhappy With Ethylene Oxide Response

The EPA’s Office of Inspector General isn’t satisfied with the agency’s update about what it’s doing to address carcinogenic chloroprene and ethylene oxide emissions. The agency still hasn’t committed to doing new residual risk reviews, developing criteria to determine whether new residual risk reviews are needed, or revising its standards for chemical manufacturing area sources to regulate ethylene oxide, the OIG said in a memo.

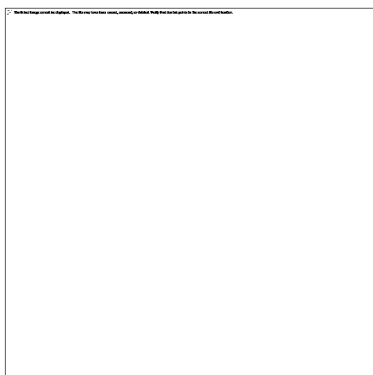
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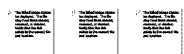
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